

REMARKS

Claims 13-33 are all the claims pending in the application. Claims 13-26 and 29 have been amended.

I. Formalities

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority and confirming receipt of the certified copy of the priority document.

II. Claim Objections

Applicant respectfully requests the Examiner withdraw the objections to claims 13-19 and 24-26 in view of the self-explanatory amendments presented above except as specifically stated in the following discussion.

“for outputting outputs”

The Examiner has requested that Applicant amend claims 14, 16, and 19 and particularly the text “for outputting outputs” to “for outputting.” However, Applicant respectfully submits that “for outputting” is part of the designator, for example “said input module means for outputting”, while “outputs” is the action performed by the designated “means for outputting”. To amend the claim as suggested would remove the action the means is performing. As such, Applicant respectfully submits that such a change is unnecessary and respectfully requests the Examiner withdraw the objection to these claims.

III. Claim Rejections - 35 U.S.C. § 102

Claims 13-19 and 24-30 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kremer (US 5,390,164). Applicant respectfully traverses the rejection.

Claim 13 is directed to a “network element” and recites, *inter alia*,
said at least one input module comprising:

. . .

means for squelching said external communication input signal entirely such that said squelching can be detected by amplitude or frequency detection without bit or byte analysis when a defect is detected, and

input module means for outputting said squelched external communication input signal as an internal signal when a defect is detected; and

at least one of said plurality of internal modules comprising:

. . .

means for monitoring whether said received internal signal is squelched.

In the Office Action, the Examiner cites ring node 112 of figure 1 as the input module and Digital Cross-Connect System (DCS) 132 of figures 1 and 9 as the internal module. The Examiner further asserts that the “means for squelching” is taught by the squelchers of the ring node 112 as shown in figures 2, 3 and 4. In particular, the Examiner cites the insertion of Alarm Indication Signals (AIS) into the STS-1 signals as teaching the squelching. (Kremer, Col. 10, Lns. 1-13). However, Applicant respectfully submits that the insertion of AIS into the STS-1 signals cannot teach or suggest the requirements of the claim. In particular, claim 1 requires, a network element comprising at least one input module comprising “means for squelching said external communication input signal **entirely such that said squelching can be detected by amplitude or frequency detection without bit or byte analysis when a defect is detected.**”

First, Applicant respectfully submits that **Kremer is directed to a ring of network elements rather than a network element comprising a plurality of interconnected modules.** A ring node is a network element, not a module thereof and the ring network as a whole is not a network element but rather a collection of network elements. As such, Applicant respectfully

submits that Kremer fails to teach or suggest a “network element . . . comprising a plurality of modules.”

Second, Applicant respectfully submits that squelching a STS-1 by inserting AIS cannot teach or suggest he required squelching **because the AIS has to be detected within the frame to determine the failed signal status**. The claim requires the entire signal be squelched and that the squelched status be detectable by amplitude or frequency detection without bit or byte analysis. Conversely, in Kremer, the detection of the AIS is performed via analysis of bytes in header sections of the STS signal. In particular, the system of Kremer still has to detect the AIS in the header bytes inside the frame to determine the failed status. Hence, clearly the frame structure is not squelched. Thus, the insertion of the AIS into the STS-1 signals cited by the Examiner cannot teach or suggest the “squelching” of the claim.

Further, Applicant respectfully submits that, because Kremer relates to ring network as discussed above, it is even more clear that Kremer would not have taught or suggested squelching the entire signal. The purpose in Kremer of selectively squelching the payload (not the entire signal, in particular not the overhead) is to avoid misconnections **in the ring** (see Kremer, page 9, para. 2). The claim requires squelching of the entire signal since this can be more easily detected internally as defect. **This is not an issue between network elements in a ring network because each network element has an overhead termination function at the I/O**. As such, clearly, Kremer would not have taught or suggested squelching the entire signal.

For each of the above reasons, Applicant respectfully submits that the squelching of a payload in a ring network to avoid misconnection in Kremer **does not teach or suggest a network element comprising at least one input module comprising “means for squelching**

said external communication input signal **entirely such that said squelching can be detected by amplitude or frequency detection without bit or byte analysis when a defect is detected” to allow easier detection without bit and byte analysis.**

Accordingly, Applicant respectfully submits that claim 13 would not have been anticipated under 35 U.S.C. § 102(b) by Kremer, because the reference does not disclose all of the features and limitations of the claim. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 13, and claims 14-19 at least by virtue of their dependency from claim 13.

Further, Applicant submits that independent claim 24 and its dependant claims 25-30 are also patentable over Kremer for at least similar reasons. As such, Applicant respectfully requests the Examiner withdraw the rejections of independent claim 24 and dependent claims 25-30.

IV. Claim Rejections - 35 U.S.C. § 103

Claims 20 and 31

Claims 20 and 31 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kremer (US 5,390,164) in view of Feinberg et al. (US 2002/0167694 A1). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Kremer is deficient vis-à-vis independent claims 13 and 24. Applicant respectfully submits that Feinberg fails to compensate for the deficiencies of Kremer. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 13 and 24, much less dependent claims 20 and 31.

Therefore, claims 20 and 31 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 20 and 31.

Claims 21 and 32

Claims 21 and 32 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kremer (US 5,390,164) in view of Fee (US 6,285,475 B1). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Kremer is deficient vis-à-vis independent claims 13 and 24. Applicant respectfully submits that Fee fails to compensate for the deficiencies of Kremer. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 13 and 24, much less dependent claims 21 and 32.

Therefore, claims 21 and 32 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 21 and 32.

Claim 22

Claim 22 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kremer (US 5,390,164) in view of Ramaswami et al (US 6,597,826 B1). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Kremer is deficient vis-à-vis independent claim 13. Applicant respectfully submits that Ramaswami fails to compensate for the deficiencies of Kremer. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claim 13, much less dependent claim 22.

Therefore, claim 22 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 22.

Claims 23 and 33

Claims 23 and 33 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kremer (US 5,390,164) in view of Iwamoto et al. (US 5,790,520). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Kremer is deficient vis-à-vis independent claims 13 and 24. Applicant respectfully submits that Iwamoto fails to compensate for the deficiencies of Kremer. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 13 and 24, much less dependent claims 23 and 33.

Therefore, claims 23 and 33 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 23 and 33.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

/Logan J. Brown 58,290/
Logan J. Brown
Registration No. 58,290

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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